

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MENIO DELONZO TUCKER,
DEMARIO ALONZO TUCKER, and DYMOND
AJA'NAE TUCKER, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MENIO TUCKER,

Respondent-Appellant,

and

DELONYA SHEREE TUCKER, a/k/a DELONYA
CARRINE TUCKER,

Respondent.

In the Matter of MENIO DELONZO TUCKER,
DEMARIO ALONZO TUCKER, and DYMOND
AJA'NAE TUCKER, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DELONYA SHEREE TUCKER, a/k/a
DELONYA CARRINE TUCKER,

Respondent-Appellant,

UNPUBLISHED
February 21, 2006

No. 263334
Wayne Circuit Court
Family Division
LC No. 03-424013-NA

No. 263335
Wayne Circuit Court
Family Division
LC No. 03-424013-NA

and

MENIO TUCKER,

Respondent.

Before: Meter, P.J., Whitbeck, C.J. and Schuette, J.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right an order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (h). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). At the time of trial, both respondents were incarcerated for armed robbery, assault with intent to commit armed robbery, and two counts of felony-firearm. Respondent father was to serve a minimum of 12 years' imprisonment. Respondent mother received a lighter sentence following her no-contest plea and was to serve a minimum 27-month sentence for the armed robbery and assault convictions and an additional consecutive two-year sentence for the felony-firearm convictions. At the time of respondents' arrest, the children were left with a maternal aunt, who was determined to be an unsuitable caregiver. The aunt had a history with social services in 1999 and was on the Central Registry. Therefore, the condition leading to adjudication, respondents' incarceration, continued to exist and would not be rectified within a reasonable time. Respondents had not provided for the children's proper custody and would be unable to do so because of their incarceration.

The evidence also did not establish that the children's best interests precluded termination of respondents' parental rights. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The youngest child was born while respondent mother was incarcerated, and respondents had not seen this child since her birth. There was minimal evidence presented regarding the middle child's parental bonding. The oldest child was 12 years old and clearly bonded with his parents, and the trial court struggled between terminating respondents' parental rights and granting a guardianship for this child. However, the trial court had an opportunity to interview the child in chambers and concluded that he was entitled to be treated like his siblings. The trial court correctly concluded that all three children were entitled to permanency and stability.

Affirmed.

/s/ Patrick M. Meter
/s/ William C. Whitbeck
/s/ Bill Schuette